

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:05CR3020
	)	
v.	)	
	)	
TYRONE V. THOMAS,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	

Thomas filed a motion to reduce his sentence because of the retroactive change to the “crack” Guidelines. I appointed the Federal Public Defender to represent Thomas and instructed the probation office to investigate. The probation officer prepared a Retroactive Sentencing Worksheet and that has been distributed to counsel. I conferred with counsel by phone on September 16, 2009.

As noted by the probation officer, the fact that Thomas was a career offender under the guidelines precludes his eligibility for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). *See, e.g., United States v. Tingle*, 524 F.3d 839, 840 (8th Cir.) (applicable guideline range for career offenders was not lowered by Amendment 706) (per curiam), *cert. denied*, --- U.S. ----, 129 S.Ct. 473 (2008). Accordingly,

IT IS ORDERED that:

1. The Clerk shall file the Retroactive Sentencing Worksheet and restrict access to counsel and the court.
2. The motion to reduce sentence (filing 104) is denied.

DATED this 16<sup>th</sup> day of September, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge